



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,521	09/10/1999	NAOYUKI MATSUMOTO	35.G0708C/D2	4346
5514	7590 12/06/2004		EXAM	INER
FITZPATRICK CELLA HARPER & SCINTO			POKRZYWA, JOSEPH R	
30 ROCKEFELLER PLAZA NEW YORK, NY 10112		ART UNIT	PAPER NUMBER	
			2622	

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/394,521	MATSUMOTO, NAOYUKI				
Office Action Summary	Examiner	Art Unit				
	Joseph R. Pokrzywa	2622				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wit	h the correspondence address				
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a If NO period for reply is specified above, the maximum statutory per Failure to reply within the set or extended period for reply will, by stany reply received by the Office later than three months after the mearned patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a re- reply within the statutory minimum of thirty riod will apply and will expire SIX (6) MONT atute, cause the application to become ABA	ply be timely filed (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 1	8 Octobe <u>r 2004</u> .					
2a) This action is FINAL . 2b) ⊠ 1	This action is non-final.					
· ·	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims	•					
4) ☐ Claim(s) 25-31 is/are pending in the application 4a) Of the above claim(s) is/are with the state of the above claim(s) is/are allowed. 5) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and	drawn from consideration.					
Application Papers		,				
9)☐ The specification is objected to by the Exam						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to		` '				
Replacement drawing sheet(s) including the cor 11) The oath or declaration is objected to by the	•					
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the papplication from the International Bur * See the attached detailed Office action for a	nents have been received. The sents have been received in Appriority documents have been reau (PCT Rule 17.2(a)).	oplication No received in this National Stage				
Attachment(s)						
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 		ummary (PTO-413) /Mail Date				
Information Disclosure Statement(s) (PTO-1449 or PTO/SB Paper No(s)/Mail Date		formal Patent Application (PTO-152)				

Art Unit: 2622

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/04 has been entered.

Response to Preliminary Amendment

2. Applicant's preliminary amendment was received on 10/18/04, and has been entered and made of record. Currently, **claims 25-31** are pending.

Claim Objections

3. Claim 29 is objected to because of the following informalities:

In *claim 29*, lines 1-4, numerous occurrences of the phrase "data processing apparatus" should be changed to read "data communication apparatus" to conform with the changes made within the body of the claim.

Appropriate correction is required.

Art Unit: 2622

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 5. Claims 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kita *et al.* (U.S. Patent Number 5,021,892).

Regarding *claim 25*, Kita discloses a method of controlling a data communication apparatus (facsimile 1) in a data processing system (see Figs. 1 and 3) that includes the data communication apparatus (facsimile 1) and a host computer (personal computer 8) connected to the data communication apparatus by an interface (bi-directional parallel interface unit 5, column 3, lines 28-53), with the method comprising a communication step for communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 6, and 8a-8e, being a reception from the host at numeral "2", shown at step S200 in Fig. 9 as the station request command), wherein the data communication apparatus (see Figs. 1 and 3) is comprised of units including at least a scanner unit (image scanner 2), a printer unit (image printer 3) and a storage unit (RAM 52), a checking step for checking, upon receipt of the commands, each of the statuses corresponding to each of the scanner unit, printer unit and storage unit of the data communication apparatus (step S201 in Fig. 9, column 13, lines 56-66, and column 15, line 51-column 16, line 17), and a notification step for notifying the host

Art Unit: 2622

computer of the statuses of each of those units discretely (step S202 in Fig. 9, column 16, lines 1-6).

Regarding *claim 26*, Kita discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of operating conditions comprising a change in status or internal state of the data communication apparatus (column 13, lines 56-66, and column 15, line 51-column 16, line 17).

Regarding *claim 27*, Kita discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of the operating conditions in accordance with a command from the host computer (see Fig. 9, column 15, line 62-column 16, line 17).

Regarding *claim 28*, Kita discloses the method discussed above in claim 25, and further teaches that the data communication apparatus is included in a facsimile apparatus (see Figs. 1 and 3, column 3, lines 28-53).

Regarding *claim 29*, Kita discloses a method of controlling a data processing apparatus (facsimile 1) in a data processing system (see Figs. 1 and 3) that includes the data processing apparatus (facsimile 1) and a host computer (personal computer 8), the data processing apparatus and the host computer being connected to each other through an interface (bi-directional parallel interface unit 5, column 3, lines 28-53), and the data processing apparatus (facsimile 1) being able to communicate with another device through a network without using the interface (via telephone line 4a, column 3, lines 28-53, and column 6, lines 6-19), the method comprising a command step for communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 6, and 8a-8e, being a reception from the host at numeral

Art Unit: 2622

"2", shown at step S200 in Fig. 9 as the station request command), wherein the data communication apparatus (see Figs. 1 and 3) is comprised of units including at least a scanner unit (image scanner 2), a printer unit (image printer 3) and a communication unit for communicating with the other device through the network (fax control unit 4), a checking step for checking, upon receipt of the commands, each of the statuses corresponding to each of those units of the data communication apparatus (step S201 in Fig. 9, column 13, lines 56-66, and column 15, line 51-column 16, line 17), and a notification step for notifying the host computer of the statuses of each of those units discretely (step S202 in Fig. 9, column 16, lines 1-6).

Regarding *claim 30*, Kita discloses the method discussed above in claim 29, and further teaches that the notification step notifies the host computer of a model type and a model version in one set (see Figs. 4 and 5, and column 8, lines 5-48).

Regarding *claim 31*, Kita discloses the method discussed above in claim 29, and further teaches that the data processing apparatus is included in a facsimile apparatus (see Figs. 1 and 3, column 3, lines 28-53).

Citation of Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mishima et al. (U.S. Patent Number 4,907,094) discloses a data communication system.

Art Unit: 2622

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa

ough R Physic

Examiner

Art Unit 2622

jrp